

ZACH COWAN, City Attorney  
MARK J. ZEMBSCH, Deputy City Attorney  
MZembsch@ci.berkeley.ca.us  
2180 Milvia Street, Fourth Floor  
Berkeley, CA 94704  
TEL.: (510) 981-6998  
FAX.: (510) 981-6960

SBN 96372  
SBN 127901

Attorneys for Defendants  
CITY OF BERKELEY and DAVID HODGKINS

EDWARD W. BURNS  
MELISSA L. RODRIGUEZ  
BURNS, SCHALDENBRAND & RODRIGUEZ  
EWBurns@bsrlawyers.com  
1155 Sportfisher Dr., Suite 120  
Oceanside, CA 92045  
TEL: (760) 453-2189  
FAX: (760) 453-2194

SBN 201913  
SBN 201733

Attorneys for Plaintiff  
TIMOTHY GARDNER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY GARDNER,

Plaintiff,

vs.

CITY OF BERKELEY, DAVID HODGKINS;  
DOUG HAMBLETON; ROY MEISNER;  
BOBBY MILLER,

Defendants.

**NO. C10-03410 EMC**

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND EXPERT  
DISCOVERY CUT-OFF**

Complaint Filed: June 25, 2010  
Removed to Federal Court: Aug. 3, 2010

**STIPULATION**

The parties hereby stipulate through their undersigned counsel that the expert discovery cut-off be extended as follows:

November 21, 2011: Expert's opening reports

December 5, 2011: Rebuttal reports

December 19, 2011: Expert discovery cut-off.

**GOOD CAUSE EXISTS** for the stipulation to extend time as follows: The Parties have one additional item of non-expert discovery remaining (the deposition of Eric Gustafson, scheduled for November 15, 2011). Thus, allowing the Parties a short period of time after non-expert discovery closes in order to complete expert discovery promotes the interests of justice and will result in no prejudice to any party.

Respectfully submitted:

ZACH COWAN, City Attorney  
MARK J. ZEMBSCH, Deputy City Attorney

Dated: November 2, 2011

By: \_\_\_\_\_/s/  
MARK J. ZEMBSCH, Deputy City Attorney  
Attorneys for City of Berkeley and David Hodgkins

Respectfully submitted:

BURNS, SCHALDENBRAND & RODRIGUEZ

Dated: November 2, 2011

By: \_\_\_\_\_/s/  
EDWARD W. BURNS  
Attorney for Plaintiff Timothy Gardner

THE FOREGOING STIPULATION  
IS APPROVED AND IS SO ORDERED.

DATE: 11/4/11 \_\_\_\_\_

